

Federal Communications Commission

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
WLFM, LLC)	File No.: EB-10-CG-0001
Licensee of Television Station WLFM-LP)	
Facility ID #128239)	NOV No.: V201032320003
Chicago, Illinois)	
)	

NOTICE OF VIOLATION

Released: May 19, 2010

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to WLFM, LLC, licensee of television station WLFM-LP in Northfield, Illinois. This Notice may be combined with a further action, if further action is warranted.²
2. On January 28, 2010, agents of the Commission’s Chicago Office inspected television Station WLFM-LP located at Northfield, Illinois, and observed the following violations:
 - a. 47 C.F.R. § 11.52(d): “Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable systems and wireless cable system are specified in the State EAS Plan and FCC Mapbook. . . .” A review of the station’s EAS logs revealed that WLFM-LP was monitoring only one EAS source.
 - b. 47 C.F.R. § 11.61(a)(1)(i): “Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall occur between local sunset and 8:30 a.m. They will originate from Local or State Primary sources. . . . These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State. Analog and digital class D non-commercial educational FM and analog and digital LPTV stations are required to transmit only the test script.”

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

Agents observed that WLFM-LP did not retransmit the monthly test script in February.

- c. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13).” A review of the station’s EAS logs revealed that entries were not made in the EAS logs to show required monthly EAS tests retransmitted for the month of January. There were no entries in the station log indicating the reason why the required monthly tests were not transmitted.
3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, WLFM, LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴
4. In accordance with Section 1.16 of the Commission’s Rules, we direct WLFM,LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WLFM,LLC with personal knowledge of the representations provided in WLFM,LLC’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁷ and Section 1.89 of the Commission's Rules, WLFM,LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Chicago Office
1550 North Northwest Highway, Room 306
Park Ridge, IL 60068

6. This Notice shall be sent to WLFM, LLC at its address of record.
7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁹

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

cc: WLFM-LP

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷47 U.S.C. § 308(b).

⁸P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁹18 U.S.C. § 1001 *et seq.*